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February 3, 2017

VIA CM/ECF

The Honorable Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *In re Levothyroxine Antitrust Litigation* (All Actions),
Case No. 1:16-cv-09900-KMW

Dear Judge Wood:

We represent defendant Mylan Pharmaceuticals Inc. ("Mylan") in the referenced litigation. On behalf of Mylan, and defendants Lannett Company, Inc., and Sandoz Inc. (collectively, "Defendants"), we write to inform the Court that on January 30, 2017, Defendants filed a motion to transfer pursuant to 28 U.S.C. § 1404 ("Motion to Transfer") in *Rochester Drug Co-Operative, Inc. v. Lannett Co., Inc., et al.*, Case No. 2:16-cv-06671-CMR ("Rochester Drug" action), which is currently pending in the Eastern District of Pennsylvania before the Honorable Cynthia M. Rufe.

Defendants' Motion to Transfer, which is attached to this letter as Exhibit 1, requests that the Rochester Drug action be transferred to the Southern District of New York.[1] The Rochester Drug action alleges facts and claims regarding levothyroxine and is substantially similar to the actions consolidated before this Court. Defendants believe that transfer is appropriate in this circumstance to serve the interests of judicial economy and because the complaints consolidated in the above-referenced action were filed first in this District, with the litigation now proceeding apace.

In addition, Rochester Drug filed a motion before the United States Judicial Panel on Multidistrict Litigation ("JPML") seeking to transfer a number of actions, including the Direct Purchaser Actions involving levothyroxine before this Court, to the Eastern District of Pennsylvania for centralization in *In re Generic Digoxin and Doxycycline Antitrust Litigation*, MDL No. 2724. On January 30, 2017, Defendants filed an opposition to Rochester Drug's motion because transfer and centralization will frustrate, not further, the efficient resolution of the actions before this Court. A copy of Defendants' opposition memorandum of law is attached as Exhibit 2. The claims in the Levothyroxine Antitrust Litigation are based on an alleged separate and distinct single-drug conspiracy, involving a different drug, different market, different parties and a different class period than those involved in the other actions covered by Rochester Drug's motion before the JPML. In sum, there are no efficiencies to be gained from transfer and centralization of actions involving unrelated alleged conspiracies – to the contrary, transfer and centralization is likely to create undue delay and confusion.

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[1] As noted in the January 31, 2017 letter sent to Your Honor by counsel for Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund ("Local 178"), two additional complaints that allege similar facts and claims regarding levothyroxine have been filed in the Eastern District of Pennsylvania before Judge Rufe. Defendants intend to file similar Section 1404 motions to transfer in each of those cases as well.

Plaintiffs purport to level serious, although entirely baseless, claims in these matters. Defendants, therefore, are eager -- and deserve the opportunity -- to move these cases forward *in this Court*, as provided for in the existing scheduling orders. Defendants look forward to discussing these and any other developments with the Court at the conference scheduled for March 1, 2017.

Respectfully submitted,

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